

# Employment Law Dos & Don'ts

## Race Discrimination

### DO

- Do think before you speak – a throw away comment which some might consider to be banter, could offend someone and result in a claim for harassment
- Do provide equal opportunities training, not only should your employees understand their responsibilities and your rules, but it can help your case if you're facing a Tribunal if you can demonstrate you've gone to reasonable efforts to protect employees from harassment
- Do carry out equal opportunities monitoring to help you maintain best practice and identify any areas which may need attention
- Do remember that the definition of race is wide. It's not quite wide enough to provide protection to a Mancunian or Liverpudlian, but it does protect someone from discrimination because their national origin is Scottish or Irish
- Do read the "do" above again. Consider the nature of a complaint of harassment carefully and think outside the box. Ethnic origin is a wide category, within the category of race, and can include Romany Gypsies and Irish Travellers, for example

### DON'T

- Don't make assumptions: about race or any other protected characteristic. A common mistake some employers make is to only ask to see a passport for employees who sound or look "foreign" – not only does this fail right to work check responsibilities but it could also constitute unlawful race discrimination
- Don't forget that discrimination covers a wide category of people including job applicants, workers, employees and the self-employed
- Don't assume that because the employee who discriminated against their colleague shares the same race there's no claim – the race of the offender doesn't matter
- Don't introduce a blanket policy or provision without considering whether it might inadvertently put a particular group of people who share a race at a disadvantage. If it does, it doesn't mean you can't go ahead, but you will need to put further thought into whether you can objectively justify it before doing so if you want to avoid discrimination claims
- Don't forget that someone who witnesses an act of harassment against someone else can complain of harassment, even though they weren't the subject of the act. If they felt it created an intimidating, hostile, degrading, humiliating or offensive environment for them, they could have a claim